

EXHIBIT D

Proposed Curative Instruction re Rape Finding

Members of the jury, in the testimony that was just given by Mr. Trump, Mr. Trump made a statement that implied that Mr. Trump did not rape Ms. Carroll.

I'm directing that the testimony be stricken from the record and that you completely disregard it.

As I instructed you at the outset of this case, a jury of nine individuals previously sat for over two weeks, heard testimony from eleven witnesses, and determined that Mr. Trump sexually assaulted Ms. Carroll. Specifically, the jury found, as the Court itself has determined, that Mr. Trump "raped" Ms. Carroll as that term is commonly understood. There is no dispute about these facts, and you **must** accept these facts for purposes of this case and your deliberations.

Mr. Trump understands that these facts are proven as true, that these facts are not and cannot be disputed by him in this court of law, and that the prior jury unanimously found him liable on Ms. Carroll's prior claims of sexual assault and defamation. The testimony that Mr. Trump just gave was therefore not only false, but in violation of the orders of this Court. Again, you must disregard Mr. Trump's false testimony completely, other than to the extent that his false testimony may affect your evaluation of Mr. Trump's credibility as a witness.